

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Federal National Mortgage Association

Plaintiff

vs.

John J. Butler III and Sandra E. Butler

Defendants

CIVIL ACTION NO: 1:19-cv-00218-JAW

RESPONSE TO ORDER TO SHOW
CAUSE

RE:

Wyman Road, Milbridge, ME 04658

Mortgage:
November 27, 2002
Book 2948, Page 210

NOW COMES the Plaintiff, Federal National Mortgage Association, by and through undersigned counsel, hereby responds to the Court's Order to Show Cause entered on July 31, 2020 as follows:

In response to this Court's Order, the Plaintiff has done additional investigation into whether the subject premises is presently vacant, borrower occupied or occupied by a tenant or an unknown person. In short, the property that remains as security for the subject loan obligation is twenty-five (25) acres of vacant land. The Defendants have owned the property since 2000, have always lived in California and do not live on the subject premises. The Plaintiff's most recent inspection, which indicated that the property was occupied, was the basis for the statement that, upon information and belief, the property is impacted by the moratorium. The discrepancy stems from the fact that the mortgaged premises originally contained two parcels. One parcel has since been sold and released. The portion of the property sold and released subsequent to the mortgage does have a building on it and, upon information and belief, confirmation based on review of the records in the registry of deeds and conversations with the Tax Collector, only the property that is no longer encumbered by the mortgage is occupied. The property encumbered by the mortgage

being foreclosed is vacant. As such, there is no impediment, due to the Executive Order 40, to granting the Motion to Amend the Complaint to add the Foreclosure and Sale Language. The below chronology of events outlines the relevant facts and supports the requested release of the OTSC.

1. On September 12, 2000, by virtue of a Warranty Deed from Rebecca Sargent, Trustee of the Vilora C. Wilson Revocable Trust - 1996, which is recorded in the Washington County Registry of Deeds in Book 2458, Page 267, the property situated on Wyman Road, County of Washington, and State of Maine, was conveyed to the Defendants, John J. Butler III and Sandra E. Butler, being more particularly described by the attached legal description. *See* Exhibit A (a true and correct copy of the Deed including the legal description is attached hereto and incorporated herein).
2. The property is located on Wyman Road in Milbridge and it originally included 2 parcels: Map 3, Lot 3 and Map 5A, Lot 2.
3. On November 27, 2002, the Defendants, John J. Butler III and Sandra E. Butler, executed and delivered to Quicken Loans Inc. a certain Note in the amount of \$98,300.00. Defendants, John J. Butler III and Sandra E. Butler's, personal liability is limited and/or extinguished by the Chapter 7 bankruptcy filed which resulted in a bankruptcy discharge. *See* Exhibit B (a true and correct copy of the Note is attached hereto and incorporated herein).
4. To secure said Note, on November 27, 2002, the Defendants executed a Mortgage Deed in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Quicken Loans Inc., securing the property located at Wyman Road, Milbridge, ME 04658, which Mortgage Deed is recorded in the Washington County Registry of Deeds in Book 2948, Page 210. *See* Exhibit C (a true and correct copy of the Affidavit of Lost Mortgage and Mortgage is attached hereto and incorporated herein).

5. As set forth in the Complaint, the Mortgage is now held by Plaintiff by assignment. *See* Exhibits D, E and F).
6. The portion of the property containing the building Map 5a, Lot 2, as set forth in the release and the Quit Claim Deed was transferred to Mary Shea and remains in her name.
7. The instant Mortgage was affected by a Partial Discharge of Mortgage dated March 11, 2016 and recorded in the Washington County Registry of Deeds in Book 4239, Page 174. *See* Exhibit G (a true and correct copy of the Partial Discharge of Mortgage is attached hereto and incorporated herein).
8. As set forth in the valuations obtained by the Plaintiff in 2015 and 2016, the remaining 25 Acres, Map 3, Lot 3, is vacant land. *See* Exhibit H and I (true and correct copies of the valuations obtained by the Plaintiff in 2015 and 2016 are attached hereto).
9. On August 4, 2010, the undersigned spoke with the tax assessor of the town of Milbridge and confirmed that his records also reflect that the remaining property secured by the mortgage is vacant land.

WHEREFORE, Plaintiff respectfully requests that the Order to Show Cause entered on July 31, 2020, be mooted and/or terminated, for the reasons stated above.

Respectfully submitted this 7th day of August, 2020.

/s/Reneau J. Longoria Esq.
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CERTIFICATE OF SERVICE

I, Reneau J. Longoria Esq., hereby certify that on this 7th day of August, 2020 I served a copy of the above document by electronic notification using the CM/ECF system and/or First Class Mail to the following:

/s/Reneau J. Longoria, Esq.
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